

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Palace Plating
710 East 29th Street
Los Angeles, California 90011

CAD 008 271 090

Respondent.

Docket HWCA 2005-0752

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Palace Plating (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats and/or stores hazardous waste at the following site: 710 East 29th Street, Los Angeles, California 90011 (Site).

1.3. Inspection. The Department inspected the Site on March 8 and 9, 2005.

1.4. Authorization Status. Since 1993, Respondent has operated its facility pursuant to Permit-by-Rule. In May 2006, Respondent submitted a Permit-by-Rule notification to Los Angeles County Fire Department. On or about June 6, 2006, the Fire Department renewed Respondent's authorization.

1.5. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code, section 25187.

1.6. Full Settlement. By their respective signatures below, the Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. This Order shall constitute full settlement of the violations alleged below. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent does not admit the violations alleged below, except as follows: Respondent admits the facts alleged in section 2.1 for the purposes of any subsequent action brought pursuant to the Hazardous Waste Control Law, Health and Safety Code section 25100 et seq. within 5 years of the date the violations occurred.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1 On or about March 8 and 9, 2005, Respondent violated California Code of Regulations, title 22, section 66265.195 in that Respondent failed to inspect hazardous waste tank systems and/or document those inspections as required by the regulation.

2.1.2. On or about March 8 and 9, 2005, Respondent violated California Code of Regulations, title 22, section 66265.193 in that Respondent failed to provide secondary containment for hazardous waste piping.

2.1.3. On or about March 8 and 9, 2005, Respondent violated California Code of Regulations, title 22, section 66265.13 in that Respondent failed to prepare a written waste analysis plan and failed to obtain written waste analysis records for all wastes that were treated on-site.

2.1.4. On or about March 8 and 9, 2005, Respondent violated California Code of Regulations, title 22, section 66265.14 in that Respondent failed to maintain security for an active portion of the facility.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent shall comply with all terms, requirements, and conditions set forth in Section 5 (Penalty) below.

3.1.2 Based on documents submitted by Respondent, the Department has determined that the violations alleged in section 2.1. have been corrected.

3.2. Submittals. All submittals from Respondent pursuant to this Consent Order shall be sent [simultaneously] to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

and

Debra Schwartz
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1011 North Grandview Ave
Glendale, California 91201

3.3. Communications. All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by the appropriate Branch Chief or his/her designee. No informal advice, guidance, suggestions, or comments by the Department shall relieve Respondent of its obligation to obtain required formal approvals.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

- a. Modify the document and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws. Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to

requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with this Order) is creating an imminent or substantial endangerment to the health or welfare of people on the Site, in the surrounding area, or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as is needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this paragraph shall be extended by the term of such Stop Work Order.

3.7. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of Respondent's operations, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare, or the environment.

3.8. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law.

3.9. Sampling, Data, and Document Availability.

3.9.1. Respondent shall permit the Department and/or its authorized representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring)

generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.9.2. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.9.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

- (a) comply with that request,
- (b) deliver the documents to the Department, or
- (c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.10. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports submitted by Respondent in response to the violations alleged in this Order, and approved by the Department, are hereby incorporated into this Order.

3.12. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension

request shall include a justification for the delay.

3.13. Extension Approvals. If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

4.4. Time Periods. "Days" for the purpose of this Order means calendar days.

4.5. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

4.6. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board. Notices under this paragraph are also subject to paragraph 3.2.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$ 60,000, which Respondent shall pay in six quarterly payments of \$10,000 each.

5.2. The first payment is due within 30 days from the effective date of this Order. Subsequent payments shall be due every three months on the same day of the month as the due date of the first payment.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the Department-supplied Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

and

Debra Schwartz
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1011 North Grandview Ave
Glendale, California 91201

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection

including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: July 19, 2006

Original signed by Roger Pierce
Roger Pierce, Secretary
Trident Plating

Dated: July 24, 2006

Original signed by Charles A. McLaughlin
Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control